HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.366 of 2007

Between:

P. Ram Reddy …Appellant

And

The Chairman, Agricultural Market Committee,
Hyderabad and three others. …Respondents

:: J U D G M E N T ::

Counsel for the appellant : Sri M. Damodar Reddy

Counsel for respondent Nos.1 to 3 : Sri V.V.N. Narayana Rao

Counsel for respondent Nos.4 : Sri P. Gangaiah Naidu,
Senior Advocate, assisted by
Sri N. Bharath Babu.

30th April, 2007

Per G.S. Singhvi, C.J.

This appeal is directed against order dated 2-4-2007 passed by the learned Single Judge in Writ Petition No.21526 of 2006, whereby he declined to quash notice dated 23.09.2006 issued by the Chairman of Agricultural Market Committee, Gudimalkapur, Hyderabad (for short, 'the Market Committee') requiring the appellant to handover shop No.35 to the Market Committee.

We have heard Sri M. Damodar Reddy, learned counsel for the appellant, Sri V.V.N. Narayana Rao, learned counsel for respondent Nos.1 to 3, Sri P. Gangaiah Naidu, learned senior counsel appearing for respondent No.4 and perused the record.

Although we have serious reservation on the legality of order dated 7-7-2006 passed by the learned Single Judge in Writ Petition No.4399 of 2000 filed by respondent No.4 for quashing proceedings No.AMCH/A&R.IO/95-96, dated 31-12-1999 because the appellant was not impleaded as a party in that writ petition, we decline to entertain the appeal because both the appellant and respondent No.4 do not appear to have approached the Court with clean hands and the officers of Agricultural Market Committee also appeared to have withheld the material facts and relevant documents from the Court.

A perusal of the order under challenge shows that while dismissing Writ Petition No.21526 of 2006, the learned Single Judge has given liberty to the appellant to avail appropriate remedy by filing an application for review of the order passed in Writ Petition No.4399 of 2000 or challenge the same by filing appeal. In our considered view, the course suggested by the learned Single Judge is the best mode of redressal of the grievance of the appellant.

With the above observation, the appeal is dismissed leaving the appellant free to file an application for review of order dated 7-7-2006 passed in Writ Petition No.4399 of 2000 or file an appeal against that order under Clause 15 of the Letters Patent.

As a sequel to dismissal of the appeal, WAMP.No.694 of 2007 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, C.J.

30th April, 2007

C.V. NAGARJUNA REDDY, J.

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